PRINCE EDWARD ISLAND

LAND USE COMMISSION

ANNUAL REPORT 1989

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The Land Use Commission, a non-partisan corporate body, was established by an act of the legislature in June, 1974. It is not a part of any government department but reports to the Lieutenant-Governor-in-Council through the Minister of Community and Cultural Affairs.

The Commission consists of seven members who are appointed by the Lieutenant-Governor-in-Council to represent the private sector. The Commission members during 1989 were:

Mr. Leslie MacKay, New London, Chairman
Mr. Maurice Fitzpatrick, Tracadie Cross
Mrs. Sylvia Johnson, West Royalty
Mr. Lorne Keizer, Charlottetown
Mr. Thomas MacLellan, Loyalist Road
Mr. Ronald McKinnon, Alberton
Mrs. Anne McPhee, Bayfield

In order to carry out the day-to-day work of the Commission, it employs an executive director and an administrative assistant.

The major duties of the Commission include:

- carrying out any function the Lieutenant-Governor-in-Council may require from time to time

- considering appeals of decisions made under the **Planning Act**

- making recommendations to the Lieutenant-Governor-in-Council on all applications for non-resident land purchases and corporate land purchases covered under the **Lands Protection Act**

- approving official plans proposed for adoption by Municipal Councils

- considering appeals of clean-up orders under the **Unsightly Property Act**

- making recommendations to the Minister of Community and Cultural Affairs on municipal boundary extensions under the **Municipalities Act.**

The Land Use Commission experienced its busiest year ever in 1989 especially with two matters, the appeal against decisions to allow the subdivision of land on Boughton Island and a shopping centre development in the Community of West Royalty. Although the Commission was engaged in these two major development controversies during the year, it was not prevented from engaging in the usual

broad range of activities relating to the use and ownership of land within the province. Evidence of the extremely busy year is the 141 meeting/hearing days held by the Commission which is double the required number of meeting days held in the previous year.

THE COMMISSION AS AN APPEAL BODY

The Land Use Commission hears appeals from persons who are dissatisfied with decisions made by government agencies and municipal governments under the **Planning Act** and the **Unsightly Properties Act.**

The Commission dealt with sixteen (16) appeals against decisions of the Department of Community and Cultural Affairs. Twelve (12) of the appeals involved building permits and three (3) were related to subdivision applications. A major portion of one appeal launched in 1988 under the provisions of Part VII of the **Planning Act - Major Retail Development** was heard during 1989.

The Commission received seven (7) appeals against decisions made by municipal councils under their Official Plans and Zoning and Subdivision Control Bylaws. Four (4) appeals were related to the issuance of building permits one (1) of which was pursuant to the provisions of Part VII of the **Planning Act.** One municipal decision related to the subdivision of land was appealed along with three (3) decisions on rezoning requests.

One appeal was launched against a decision of the Department of the Environment to issue a clean-up order under the **Unsightly Property Act**, however the appeal could not be heard until January, 1990.

During 1989, the Commission heard twenty-two (22) appeals and made decisions on twenty-one (21). Fourteen (14) appeals were dismissed while eight (8) were allowed. The total number of appeals heard by the Commission were three more than those heard in the preceding year.

THE COMMISSION UNDER THE LANDS PROTECTION ACT

The Commission continues to be responsible for making recommendations to Executive Council on all applications from non-resident and nonfarm corporations seeking to acquire land in the province under the **Lands Protection Act**. The Commission is also responsible for the administration of the legislation.

During the course of the year, the Commission received 172 non-resident and 56 corporate applications. The Commission made recommendations on 226 non-resident and corporate applications which represents slightly more than 20 per cent increase in applications from 1988. The continuous increase in the number of applications from year to year illustrates the interest individuals have in increasing their aggregate land holding and shorefrontage.

Under the land identification program, the Commission continues to place emphasis on the identification of land for non-development use. Special attention has been paid to applications for acquisition of coastal land, active agricultural land, speculative land transactions and land intended for subdivision. In most cases, identification for non-development use was made a condition of purchase.

In February, 1989, the Commission completed the Greenwich de-identification hearing regarding the matter of altering the identification agreement for non-development use applying to land located at Greenwich. It was the Commission's decision to deny the request to alter the agreement.

In accordance with the **Lands Protection Act**, applications for special permits are required if an individual intends to acquire land that would cause the individual's aggregate land total to exceed 1,000 acres or in the case of a corporation, to exceed 3,000 acres. During the past year, three applications were made by individuals to acquire land in excess of 1,000 acres and all special permits were approved.

The processing fee of $500. for all applications for permits and special permits, except provincially incorporated companies, with the majority of shares held by residents, accumulated revenues of $87,000. in 1989.

OFFICIAL PLAN APPROVAL

The **Planning Act** requires the Land Use Commission to approve all new and revised official plans that are created by municipal communities. In 1989, the Commission reviewed and approved new official plans for the Communities of Hillsborough Park, O'Leary, Eliot River and Miscouche. Revised officials plans were also approved for the Communities of Tignish, East Royalty and Bunbury.

MUNICIPAL BOUNDARY EXTENSIONS

The **Municipalities Act** requires the Commission to conduct a public hearing when a municipality proposes to extend its boundaries. A hearing was held in the Community of Morell to approve a large extension to the existing boundaries. Recommendations were subsequently made to Executive Council regarding the proposed extension.

The year 1989, although an extremely busy year for all Commission members and staff, has been highlighted by some very significant land use and land development decisions and issues dealt with by the Commission.

Leslie W. MacKay
Chairman